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| | : | STATE OF NEW JERSEY |
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| | : | FINAL ADMINISTRATIVE |
| | : | ACTION |
| | : | OF THE |
| | : | CIVIL SERVICE COMMISSION |
| In the Matter of Shirlissa R. Zuhlcke, | : | |
| Technical Assistant Contract | : | |
| Administration (PS4582K), | : | |
| Department of Children and Families | : | |
| | : | |
| CSC Docket No. 2019-2791 | : | |
| | : | Examination Appeal |

ISSUED: APRIL 17, 2020 (BS)

Shirlissa R. Zuhlcke appeals the determination of the Division of Agency Services (Agency Services) which found that she did not meet the requirements for the promotional examination for Technical Assistant Contract Administration (PS4582K), Department of Children and Families.

The promotional examination at issue was announced with experience requirements which had to be met as of the announced closing date of August 21, 2018. Specifically, all applicants had to possess 60 semester credit hours from an accredited college or university plus one year of experience in the various phases of contract and/or grant monitoring, financial management and analysis, social services administration and/or budget and management operations in a governmental or business entity. Applicants who did not possess the required education could substitute additional experience as indicated above on a year-for-year basis with 30 semester credit hours being equal to one year of experience. Agency records indicate that a promotional eligible roster promulgated on March 21, 2019 listing the name of one qualified applicant.

The appellant filed an application on which she indicated that she possessed 60 college credits plus experience as a provisional Technical Assistant Contract Administration (3/18 to the closing date), Principal Clerk Typist (10/14 to 2/18), Senior Clerk Typist (2/11 to 9/14), and a number of unrelated, private sector positions. Agency Services concluded that the appellant satisfied the educational requirement but only possessed six months of applicable experience as a provisional

Technical Assistant Contract Administration as of the closing date. None of the appellant's remaining positions involved responsibilities in the required areas. As a result, the Division of Agency Services found the appellant ineligible for the subject promotional examination.

On appeal, the appellant asserts that she satisfies the subject requirements. The appellant argues that she performed appropriate duties while serving as a Principal Clerk Typist.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the examination announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) provides that the Civil Service Commission may relax a rule for good cause, in a particular circumstance, in order to effectuate the purposes of Title 11A of the New Jersey Statutes Annotated. *N.J.A.C.* 4A:4-6.3(b) provides that, except for medical or psychological disqualification appeals, the appellant shall have the burden of proof.

As of the closing date, the appellant satisfied the educational requirement and possessed six months of applicable experience as a provisional Technical Assistant Contract Administration. On appeal, the appellant asserts that she satisfied the subject requirements and performed appropriate duties while serving as a Principal Clerk Typist. However, such responsibilities at the level and scope of those required of the subject position would be considered out-of-title work for an individual serving as a Principal Clerk Typist. Out-of-title work in civil service employment generally cannot be used to establish eligibility for a promotional examination announced with open-competitive requirements. *See N.J.A.C.* 4A:4-2.6(c).

Although the appellant lacked the requisite amount of experience as of the closing date, the Commission notes that she continues to successfully serve as a provisional Technical Assistant Contract Administration, she now has an additional one year and seven months of applicable experience, and this is not a competitive situation (*i.e.*, the promotional eligible roster only lists the name of one qualified applicant). Under these circumstances, the Civil Service Commission can accept the appellant's additional experience as a provisional Technical Assistant Contract Administration gained after the closing date which will allow her the opportunity to be tested and be considered for a permanent appointment to the subject title.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant's application be processed as soon as possible.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 15TH DAY OF APRIL, 2020



Deirdre L. Webster Cobb, Chairperson
Civil Service Commission

Inquiries
and
Correspondence:

Christopher S. Myers
Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
PO Box 312
Trenton, New Jersey 08625-0312

c: Shirissa R. Zuhlcke
Linda Dobron
Kelly Glenn